

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO: 1:05-CR-10204-GAO

UNITED STATES OF AMERICA

v.

PAUL HICKS

THE DEFENDANT'S MOTION TO CONTINUE THE SENTENCING HEARING

The defendant, Paul Hicks, moves this court, to continue sentencing hearing presently scheduled for March 1, 2007 until March 19, 2007, or April 16, 2007 or any date thereafter. As reasons therefore, counsel for the defendant asserts the following:

1. The sentencing hearing is currently scheduled for March 1, 2007
2. The probation department conducted the P.S.I. interview on December 11, 2006.
3. The probation department did not provide the presentence report to the defendant until February 8, 2007.
4. Pursuant to Federal Rule of Criminal Procedure 32 (e)(2) the probation department must give the presentence report to the defendant and his attorney at least (emphasis added) 35 days before the

sentencing hearing unless the defendant waives the minimum period.

5. The defendant does not waive the minimum period.
6. The 35 day period would put the sentencing date at March 15, 2007. However, counsel for the defendant is already scheduled to appear at a sentencing hearing on that date. Counsel also is scheduled to try a first degree murder trial the first two weeks of April.

By his attorney,

/s/ Joseph F. Krowski Jr.
JOSEPH F. KROWSKI JR.
30 Cottage Street
Brockton, MA. 02301
508-584-2555

Dated: February 12, 2007